HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26795 of 2007

Dated 14th December, 2007

Between

Vedulla Sudhakar Reddy

…Petitioner

and

The Agency Divisional Officer, Badharchalam,
Khammam District, and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26795 of 2007

ORDER:

The petitioner claims to be the owner and possessor of the land to an extent of Ac.0.08 cents covered by Sy.No.20 of Bhadrachalam, Khammam District. It is stated that he has purchased the said land from its previous owner, by name, Smt. T.Masthanamma, a non-tribal, by a registered sale deed dated 31-8-1967. It is stated that the Agency Divisional Officer, Bhadrachalam, first respondent herein, initiated proceedings against the petitioner and passed order of eviction dated 30-4-2007 in LTR Case No. 6/Bhadrachalam/2006.It is further submitted that against the order of the primary authority, dated 30-4-2007, the petitioner has filed statutory appeal on 27-10-2007 before the Additional Agent to the Government, (Project Officer, ITDA),

Bhadrachalam, along with an application for grant of interim order. It is the grievance of the petitioner that in spite of filing the appeal and application for grant of interim order, no orders have been passed, and, on the other hand, the respondents are taking steps for eviction, the petitioner has approached this Court.

It is submitted by the learned Counsel for the petitioner that as much as the transfer of the subject land was from a non-tribal and the said transaction took place prior to 3-2-1970, the same is not in contravention of the A.P. Scheduled Areas Land Transfer Regulation 1/1959, as amended by Regulation 1/1970.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Whether the purchase of the subject land by the petitioner is in contravention of the A.P. Scheduled Areas Land Transfer Regulation 1/ 1959, as amended by Regulation 1/1970 or not, is a matter which is required to be considered by the appellate authority. In view of the pendency of the appeal, it is not desirable to go into merits of the case and record any finding on the said transaction at this stage. As much as, it is stated that the petitioner purchased the subject land in the year 1967 and, he also raised structures in the said land, and, further, the appeal filed by him before the appellate authority is pending consideration, I deem it appropriate to direct the respondents not to dispossess the petitioner from the subject land till disposal of the appeal by the appellate authority. In that view of the matter, I dispose of the Writ Petition directing the second respondent-appellate authority to

dispose of the appeal filed by the petitioner on 27-10-2007 as expeditiously as possible, by giving opportunity to the petitioner. Till the disposal of the said appeal, the order dated 30-04-2007 passed by the first respondent shall remain suspended and there shall be a further direction to the respondents to continue the petitioner in possession of the subject land, pending disposal of the appeal

Subject to the above direction, the Writ Petition is disposed of at the admission stage. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 14-12-2007
CC by Monday (BO) Msnr.